

In The United States District CourtFor theNorthern District of Alabama

2020 DEC -7 A 11:30

U.S. DISTRICT COURT  
N.D. OF ALABAMACASE NO: 4:18-CV-00910-MHH-HNJDALE W. Gilley, Jr.  
[Plaintiff]v.THELVIN W. SINGER, Et. Al.  
[Defendants]Motion to Inform

Comes now, the plaintiff in the above styled cause, and respectfully files this motion within this honorable court. And for good cause for this motion, Gilley will provide the following facts;

- 1] On the 16 day of October, 2020, Gilley filed a motion for appointment of Counsel. Doc. 76.
- 2] Gilley was requesting Counsel for the sole purpose of obtaining an affidavit from inmate Jessie Stewart, #282699, who is a named witness, and questioned by Agent Hedrick on March 7, 2018, Doc. 42-1, At 1,

housed at Bullock Corr. Facility.

"Statement in support of motions"

In march of 2018, Gilley was approached by an inmate at staton Corr. Facility, who is a known gang member, knows defendant wysinger personally from the streets, and knows Gilley from St. Clair Corr. Facility, T.C. program.

This inmate informed Gilley that wysinger was under investigation, and wysinger had sent word to Gilley, "That whatever you did to start your complaint, you need to do the same thing to stop the complaint."

On march 28, 2019, Gilley informed this honorable court that he had "reason to believe that inmate Jessie Stewart, W/282699, when questioned on or about march 7, 2018, provided a statement to Agent Fredrick Acknowledging that Gilley's claims were true and factual." Doc. 47 at 4.

The inmate who informed Gilley also told him that Jessie Stewart had told the I.I. agent that Gilley's complaint is true, but he, [Jessie Stewart], thought that wysinger was only playing with Gilley. The inmate who informed Gilley has since been transferred to another Facility.

Gilley has not brought this issue up prior to now out of fear of retaliation by this inmate or defendant wfsinger. The prison system is so full of cell phones, it wouldn't be hard to have someone harm Gilley.

Gilley did inform an attorney by the name of Ryan Becker, of Equal Justice, in Montgomery, AL, shortly after he was approached at staton Corr. Facility. Mr. Becker informed Gilley to report the situation to the shift officer, but Gilley fear to do so.

Gilley also report this to Attorney Julian L. Mcphillips, by letter dated 6-10-19, before Gilley filed his opposition to defendants special report/motion for summary judgment on 6-13-19, Doc. 66. See Exhibit "A" + "B", enclosed within this motion.

Gilley filed his motion for appointment of counsel, Doc. 76, for the sole purpose of obtaining an Affidavit from inmate Stewart, so he can present the Affidavit as evidence to this honorable court, to show that Gilley's allegations are not only true, but that the defendants lied to this honorable court, presented false documents to this honorable court, and tried to cover up Gilley's allegations concerning a fellow Department of Corrections employee.

Respectfully,

X Deke W. Gilley, Jr.

Certificate of Service

I, DALE W. GILLEY, JR., hereby certify that I have served a copy of this motion upon the defendants attorney, on this the 1<sup>st</sup> day of December, 2020, by placing a copy in the United States mail, postage prepaid, and forwarded to all parties concerned.

Dale W. Gilley, Jr.

c/c

Northern District Court, Clerks Office  
Madeline H. Lewis, Defense Counsel of record  
Records

# McPhillips Shinbaum, L.L.P.

McPhillips, Shinbaum, Luck, Bodin & Guillot

ATTORNEYS AND COUNSELORS AT LAW

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*Exhibit  
"A"*

\*Also Admitted in NY  
\*\*Also Admitted in DC

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Office Admin. Amelia Strickland

Of Counsel Attorneys  
David Sawyer  
Tanika Finney

October 21, 2019

Mr. Dale Gilley  
182280 A1-3B  
Staton Correctional Facility  
2690 Marion Spillway Road  
Elmore, AL 36025

**Re: Your letter**

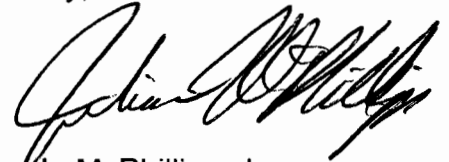
Dear Mr. Gilley:

I apologize for not responding to your letter of October 10, 2019 sooner. You ask me if I received any one of 3 letters from you in the last 4-5 months. Frankly, I do not recall receiving them, except for one dated June 10, 2019 that my paralegal just found (see attached copy).

Further, I have a very crowded plate of cases already, and have to be careful about which ones I take. You can send me a copy, if you want, of your sexual harassment lawsuit against the officers at I & I. However, I truly doubt I can take it, and furthermore, without a signed attorney-client agreement, I'd have no obligation.

I am in my 49<sup>th</sup> year of law practice and turn 73 in mid-November, but fortunately am still in good health. I'm also a bit of an author and I enclose for you a copy of Chapter 6 entitled "**Alabama Prisons a Nightmare**", of my latest published book, namely **Only in Alabama**. I pray for all of you incarcerated, and hope you will be out soon.

Sincerely,



Julian L. McPhillips, Jr.

JLMcP/bms  
Enclosures

Pg 1  
6-10-19Exhibit  
"B"

Mr. McPhillips;

Sir, my name is Dale Gilley, and I wrote you several letters concerning an officer at St. Clair prison sexually harassing me, and in return, you responded with help and your support. Thank you for everything you did. And just to let you know, the law suit is going good.

I fully understand your busy, so I'll keep my letter short and I'll get right to the request. The Federal court ordered the defendants "3" times to provide me with a copy of all the inmate witnesses statements showing me were they refuted my allegations occurred, as the defendants claim.

Twice, they provided the court with false, misleading, self-serving documents, in their writing and words, stating what the inmates claimed to have told them.

To make along story short, the court placed a "Fourth" court on them, where they were ordered to provide the inmates personally written statements, and any recordings of the same. The defendants responded with they didn't have the inmates write out their statements, nor did they record them. Everything provided to the courts is bare allegations.

The agent who investigated my case has told so many lies, and contradicted his statements, it's easy to see he is trying to cover up my complaint. So, Mr. McPhillips sir, and I'm requesting your help in this situation, so I can prove that this I: I agent is lying.

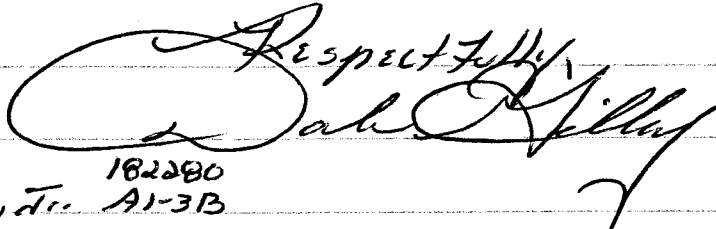


Sir, I know for a fact that one witness I provided told the Agent that my allegations were factual, but he thought we were playing. The Agent is trying to prevent this statement from being presented to the court. And this Agent has no idea that I know this inmate made this statement!

Sir, I am respectfully asking you, could you please reach out to this inmate and have him write out a statement to you, informing you as to what all he knows and told the I: Agent who spoke to him? And did the Agent record their conversation?

His name is TESSIE STEWART, W/282699, and he is currently at Bullock Prison in Union Springs. I look for the court to notify me this week that I have 21 days to file my response. I haven't ask for any extension yet, so if you can help me out with this I'd muchly appreciate your assistance.

Thank you sir, in advance for any and all help you may offer me.

Respectfully,  
  
182280  
A1-3B

c/o DALE W. Gilley, Jr.  
STATON Corr. Facility  
2690 MARION SPILLWAY R.D.  
Elmore, AL 36025